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Dated: August 5, 2004 Signature:

  
(Anthony A. Laurentano)Docket No.: TGZ-001B  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Sebastian Böhm *et al.*

OFFICIAL

Application No.: 10/027,484

Confirmation No.: 9951

Filed: December 21, 2001

Art Unit: 1753

For: MICROFLUIDIC SYSTEM INCLUDING A  
VIRTUAL WALL FLUID INTERFACE PORT  
FOR INTERFACING FLUIDS WITH THE  
MICROFLUIDIC SYSTEM

Examiner: J. T. Barton

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed July 8, 2004 (Paper No. Mail Date 20040628).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I: Claims 1-21 and 42-66, drawn to injecting a fluid into a microchannel, classified in class 137, subclass 3;

Group II: Claims 22-28, drawn to liquid-liquid extraction, classified in class 210, subclass 634;

Group III: Claims 29-41, drawn to liquid processing in a microchannel, including reaction, classified in class 204, subclass 453; and

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Group IV: Claims 67-69, drawn to separation of a sample according to component size, classified in class 204, subclass 453.

Accordingly, Applicants hereby elect, with traverse Group I, claims 1-21 and 42-66 for continued examination.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. A single, searchable, unifying aspect, *i.e.*, the introduction of a fluid to a microchannel interior via a fluid interface port formed in the side wall of the channel, links all of the claims of Groups I-IV. Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of Groups I-IV can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rel. 78A, August 2001).

That is, even if the groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, given the similar subject matter of the claims of Groups I-IV, and no serious burden will result from searching and examining all claims in the same application. Furthermore, in view of the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in a single application.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

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Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group I (claims 1-21 and 42-66).


Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TGZ-001B from which the undersigned is authorized to draw.

Dated: August 5, 2004

Respectfully submitted,

By   
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Attorney/Agent For Applicant

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**FAX TRANSMISSION****OFFICIAL****DATE:** August 5, 2004**PTO IDENTIFIER:** Application Number 10/027,484-Conf. #9951  
Patent Number**Inventor:** Sebastian BÖHM et al.**MESSAGE TO:** US Patent and Trademark Office / Examiner J. Barton, Art Unit 1753**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano/smn

**PHONE:** (617) 227-7400**Attorney Dkt. #:** TGZ-001B**PAGES (Including Cover Sheet):** 5**CONTENTS:** Certificate of Transmission under 37 CFR 1.8 (1 page) and  
Response to Restriction Requirement (3 pages).

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August 5, 2004

Date



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Anthony A. Laurentano

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